

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JAMES NEWMAN, Individually and on Behalf of
All Others Similarly Situated

Plaintiff,

-against-

ASCENA RETAIL GROUP, INC., DAVID R.
JAFFE and ROBERT GIAMMATTEO,

Defendants.

Civ. A. No. 2:19-cv-13529

STIPULATION AND [PROPOSED] ORDER

WHEREAS, plaintiff James Newman commenced the above-captioned action (the “Action”) on June 7, 2019, against defendants Ascena Retail Group, David R. Jaffe, and Robert Giammatteo (“Defendants”);

WHEREAS, plaintiff Michaela Corporation commenced a related action against Defendants on July 2, 2019;

WHEREAS, this putative class action asserts federal securities claims arising under the Securities Exchange Act of 1934, which is governed by the Private Securities Litigation Reform Act of 1995 (the “PSLRA”), 15 U.S.C. § 78u-4, *et seq*;

WHEREAS, the PSLRA provides for consolidation of all related actions and the appointment of a lead plaintiff and lead counsel after a 60-day notice period expires following the public notice of the filing of an initial securities class action (15 U.S.C. § 78u-4(a)(3));

WHEREAS, the parties have conferred and agree that the obligation to respond to the Complaint should be deferred for all Defendants in light of the foregoing;

IT IS HEREBY STIPULATED AND AGREED, subject to the Court's approval, by and among the undersigned counsel to the parties in the above-captioned action, as follows:

1. Defendants Ascena Retail Group, Inc., David R. Jaffe, and Robert Giammatteo ("Defendants") time to answer, move, or otherwise respond to the complaints filed by plaintiffs James Newman and Michaela Corporation is extended until after the Court appoints a lead plaintiff and lead counsel for lead plaintiff and such lead plaintiff either serves a consolidated amended complaint or designates a complaint as the operative complaint.
2. Lead plaintiff shall file its consolidated or amended complaint or otherwise designate an operative complaint within sixty (60) days of the date of the Court's entry of an order appointing the lead plaintiff;
3. The following schedule shall govern briefing on Defendants' motion to dismiss:
 - a. Defendants shall file and serve their motion to dismiss or otherwise respond to the operative complaint within sixty (60) days of the lead plaintiff filing the consolidated amended complaint or designating an operative complaint;
 - b. Lead plaintiff shall file its opposition to Defendants' motion to dismiss within sixty (60) days of Defendants filing their motion to dismiss;
 - c. Defendants shall file their reply to lead plaintiff's opposition within forty-five (45) days of lead plaintiff filing its brief in opposition.

Dated: August 8, 2019

s/Diane P. Sullivan
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IT IS SO ORDERED:

The Honorable Kevin McNulty
United States District Judge
Dated: August __, 2019